STATE OF NEW YORK

3965--A

Cal. No. 1305

2019-2020 Regular Sessions

IN SENATE

February 22, 2019

Introduced by Sen. KENNEDY -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation -- committee discharged and said bill committed to the Committee on Rules -- reported favorably from said committee, ordered to a third reading, passed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the vehicle and traffic law and state finance law, in relation to establishing a pre-licensing course internet program; and providing for the repeal of such provisions upon expiration thereof

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The vehicle and traffic law is amended by adding a new article 12-D to read as follows:

ARTICLE 12-D

PRE-LICENSING COURSE INTERNET PILOT PROGRAM

Section 399-p. Pre-licensing course internet pilot program.
399-q. Application.
399-r. Regulations, fees and privacy.
399-s. Pilot program scope and duration.
399-t. Report by commissioner.

§ 399-p. Pre-licensing course internet pilot program. The commissioner shall establish and implement a comprehensive pilot program to review and study the use of the internet for the administration and completion of an approved pre-licensing course as required by subparagraph (i) of paragraph (a) of subdivision four of section five hundred two of this chapter.

§ 399-q. Application. An applicant for participation in the pilot program established pursuant to this article shall be an approved sponsor of an internet accident prevention course, pursuant to article twelve-C of this title, prior to the effective date of this article and

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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which delivers such courses to the public. In order to be approved for participation in such pilot program, the course must comply with provisions of law, rules and regulations applicable thereto. The commissioner may, in his or her discretion, impose a fee for the submission of each application to participate in the pilot program established pursuant to this article. Such fee shall not exceed seven thousand five hundred dollars which shall, excluding administrative expenses of the department, be deposited in the dedicated highway and bridge trust fund established pursuant to section eighty-nine-b of the state finance law.

§ 399-r. Regulations, fees and privacy. 1. The commissioner is authorized and directed to promulgate any rules and regulations necessary to implement the provisions of this article and to insure that internet delivered pre-licensing courses as approved by the commissioner and established pursuant to this article, can validate: student identity at registration and throughout the course; participation throughout the course; that time requirements are met; and successful completion of the course. Provided, however, that any rules and regulations promulgated pursuant to this article shall not stipulate any particular location for delivery of a pre-licensing course or limit the time of day during which such course may be taken.

2. The commissioner is authorized to impose a fee upon each internet pre-licensing course sponsoring agency approved for participation in the pilot program to deliver such course, which shall not exceed eight dollars for each student who completes such course by means of the pilot program established pursuant to this article. Such fees, excluding administrative expenses of the department, shall be deposited in the dedicated highway and bridge trust fund established pursuant to section eighty-nine-b of the state finance law.

3. No internet pre-licensing course sponsoring agency shall disclose or otherwise make available to any person or entity any personal information obtained by such provider about any student who registers for such course. For the purposes of this article, "personal information" shall mean information that identifies an individual, including an individual's photo image, social security number, driver identification number, name, address (but not the five-digit zip code), telephone number, and medical or disability information.

§ 399-s. Pilot program scope and duration. The commissioner shall conduct a pilot program designed to evaluate utilizing the internet for delivering an approved pre-licensing course required by subparagraph (i) of paragraph (a) of subdivision four of section five hundred two of this chapter, by permitting qualified applicants to participate in the pilot program from June thirtieth, two thousand twenty to June thirtieth, two thousand twenty-five.

§ 399-t. Report by commissioner. No later than June first, two thousand twenty-five, the commissioner shall report to the governor, the temporary president of the senate and the speaker of the assembly on the pre-licensing course internet pilot program and its results. Such report shall include recommendations as to the future use of the internet as an effective way, in addition to classroom presentation, to deliver to the public approved pre-licensing courses, and qualifications for participants in such approved internet delivered programs.

§ 2. Paragraph (h) of subdivision 4 of section 502 of the vehicle and traffic law, as added by section 1 of part L of chapter 59 of the laws of 2009, is amended to read as follows:

(h) Course completion certificate fee. The fee for a course completion certificate provided by the department to an entity that is approved by

the commissioner to offer the pre-licensing course, required by this subdivision, for issuance by such entity to students upon their completion of such pre-licensing course shall be one dollar. Such fee shall be paid by such entity and shall not be charged to a person who takes the course in any manner. **The provisions of this paragraph shall not apply to a pre-licensing course established pursuant to article twelve-D of this chapter.**

§ 3. Paragraph (d) of subdivision 2 of section 502 of the vehicle and traffic law, as amended by chapter 403 of the laws of 2009, is amended to read as follows:

(d) An applicant for a class DJ or MJ license shall be at least sixteen years of age and such applicant must submit written consent to the issuance of such license by the applicant's parent or guardian. Upon receipt of withdrawal of such consent, any class DJ or MJ license, learner's permit or license application shall be cancelled. No class DJ or MJ license shall be issued unless the applicant presents, at the time of the road test administered pursuant to paragraph (b) of subdivision four of this section, a written certification by the applicant's parent or guardian**: (i)** that such applicant has operated a motor vehicle for no less than fifty hours, at least fifteen hours of which shall be after sunset, under the immediate supervision of a person as authorized pursuant to subparagraph (ii) of paragraph (a) or paragraph (b) of subdivision five of section five hundred one of this article, a driver education teacher pursuant to section eight hundred six-a of the education law or a driving school instructor pursuant to subdivision seven-a of section three hundred ninety-four of this chapter**; and (ii) if such applicant completed an internet delivered pre-licensing course approved by the commissioner pursuant to article twelve-d of this chapter, that such applicant participated throughout such course**.

§ 4. Paragraph (a) of subdivision 3 of section 89-b of the state finance law, as amended by section 7 of part UU of chapter 59 of the laws of 2018, is amended to read as follows:

(a) The special obligation reserve and payment account shall consist (i) of all moneys required to be deposited in the dedicated highway and bridge trust fund pursuant to the provisions of sections two hundred five, two hundred eighty-nine-e, three hundred one-j, five hundred fifteen and eleven hundred sixty-seven of the tax law, section four hundred one **and article twelve-d** of the vehicle and traffic law, and section thirty-one of chapter fifty-six of the laws of nineteen hundred ninety-three, (ii) all fees, fines or penalties collected by the commissioner of transportation and the commissioner of motor vehicles pursuant to section fifty-two, section three hundred twenty-six, section eighty-eight of the highway law, subdivision fifteen of section three hundred eighty-five of the vehicle and traffic law, section two of [~~the~~] **part U1 of** chapter **sixty-two** of the laws of two thousand three [~~that amended this paragraph~~], subdivision (d) of section three hundred four-a, paragraph one of subdivision (a) and subdivision (d) of section three hundred five, subdivision six-a of section four hundred fifteen and subdivision (g) of section twenty-one hundred twenty-five of the vehicle and traffic law, section fifteen of this chapter, excepting moneys deposited with the state on account of betterments performed pursuant to subdivision twenty-seven or subdivision thirty-five of section ten of the highway law, and section one hundred forty-five of the transportation law, (iii) any moneys collected by the department of transportation for services provided pursuant to agreements entered into in accordance with section ninety-nine-r of the general municipal law, and (iv) any

other moneys collected therefor or credited or transferred thereto from any other fund, account or source.

§ 5. Paragraph (a) of subdivision 3 of section 89-b of the state finance law, as amended by section 8 of part UU of chapter 59 of the laws of 2018, is amended to read as follows:

(a) The special obligation reserve and payment account shall consist (i) of all moneys required to be deposited in the dedicated highway and bridge trust fund pursuant to the provisions of sections two hundred eighty-nine-e, three hundred one-j, five hundred fifteen and eleven hundred sixty-seven of the tax law, section four hundred one **and article twelve-d** of the vehicle and traffic law, and section thirty-one of chapter fifty-six of the laws of nineteen hundred ninety-three, (ii) all fees, fines or penalties collected by the commissioner of transportation and the commissioner of motor vehicles pursuant to section fifty-two, section three hundred twenty-six, section eighty-eight of the highway law, subdivision fifteen of section three hundred eighty-five of the vehicle and traffic law, section fifteen of this chapter, excepting moneys deposited with the state on account of betterments performed pursuant to subdivision twenty-seven or subdivision thirty-five of section ten of the highway law, and section one hundred forty-five of the transportation law, (iii) any moneys collected by the department of transportation for services provided pursuant to agreements entered into in accordance with section ninety-nine-r of the general municipal law, and (iv) any other moneys collected therefor or credited or transferred thereto from any other fund, account or source.

§ 6. This act shall take effect June 30, 2020 and shall expire and be deemed repealed June 30, 2025; provided, however, that the amendments to paragraph (a) of subdivision 3 of section 89-b of the state finance law made by section four of this act shall be subject to the expiration and reversion of such subdivision pursuant to section 13 of part U1 of chapter 62 of the laws of 2003, as amended, when upon such date the provisions of section five of this act shall take effect. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.